

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARCUS HILLIARD,)	
)	
PLAINTIFF,)	
)	Case No. 20-cv-1144
v.)	
)	Judge Martha M. Pacold
NATIONAL BOARD OF MEDICAL)	
EXAMINERS and LOYOLA)	Magistrate Judge Gabriel A. Fuentes
UNIVERSITY OF CHICAGO,)	
)	
DEFENDANTS.)	

JOINT MOTION FOR EXTENSION OF FACT DISCOVERY DEADLINE

Plaintiff Marcus Hilliard (“Plaintiff”) and Defendant Loyola University of Chicago (“Loyola” or “Defendant,” together with Plaintiff, the “parties”), by their undersigned counsel, respectfully move to extend the parties’ deadline to complete fact discovery to and including December 16, 2022 and reset the remaining discovery deadlines accordingly. In support of this motion, the parties state as follows:

1. On June 24, 2022, the parties submitted a Joint Status Report proposing a discovery schedule that included a fact discovery deadline of October 14, 2022. (Dkt. No. 63).
2. On June 28, 2022, the Court entered a minute order setting the following deadlines:
 - July 15, 2022: Deadline to exchange Rule 26(a)(1) disclosures.
 - July 29, 2022: Deadline to exchange written discovery.
 - October 14, 2022: Deadline to complete discovery.
 - December 7, 2022: Deadline for Plaintiff to serve Rule 26(a)(2) expert disclosures.

- January 13, 2023: Deadline for Defendant to serve Rule 26(a)(2) expert disclosures.
 - March 3, 2023: Deadline to complete expert discovery.
(Dkt No. 64).
3. Since July, the parties have been diligently engaged in discovery.
 4. On July 15, 2022, the parties exchanged initial disclosures consistent with the Court's order.
 5. On July 18, 2022, Loyola served a notice of Plaintiff's deposition for August 31, 2022.
 6. On July 20, 2022, Loyola served interrogatories and requests for production on Plaintiff.
 7. On July 29, 2022, Plaintiff served interrogatories and requests for production on Loyola.
 8. On August 29, 2022, Loyola responded to Plaintiff's discovery requests and produced 1,546 pages in response to Plaintiff's requests for production. Loyola informed Plaintiff's counsel of its intent to make additional productions and is currently in the process of reviewing additional electronically stored information.
 9. On September 2, 2022 and September 8, 2022,¹ Plaintiff responded to Loyola's interrogatories and requests for production and produced 29,330 pages of documents and a 97-page response to Loyola's Requests for Production.

¹ Due to the volume of documents, Plaintiff requested an additional two weeks to respond to Loyola's discovery, to which Loyola agreed. Without Plaintiff's discovery responses, however, Loyola could not reasonably proceed with Plaintiff's deposition and cancelled the deposition it had originally scheduled for August 31, 2022.

10. On September 16, 2022, Loyola issued 14 non-party document subpoenas to numerous medical professionals and academic institutions for records related to Plaintiff's alleged disabilities and his academic performance and accommodation(s), respectively. The subpoenas have a return date of September 30, 2022.

11. The parties have also engaged in several discussions regarding Plaintiff's request for records protected by the Family Educational Rights and Privacy Act of 1974 ("FERPA") and have been working together to ensure those records are appropriately produced pursuant to FERPA's requirements, including by filing an amended agreed protective order, which the Court entered on September 16, 2022 (Dkt. No. 71), and preparing an additional motion to be filed with the Court shortly.

12. Given the large volume of relevant documents, the amount of third-party discovery, and the additional steps necessary to protect documents covered by FERPA, the parties do not expect that they will be able to complete fact discovery by the current deadline of October 14, 2022, despite their best efforts to do so.

13. Specifically, the parties will need additional time to complete their document productions, receive and review relevant third-party documents, and conduct depositions. The parties intend to depose Plaintiff as soon as practicable after the parties complete their productions and after receipt of the subpoenaed third-party documents. The parties also anticipate numerous depositions thereafter of individuals identified in the parties' disclosures.

14. The parties bring this joint motion in good faith and well in advance of the fact-discovery deadline in an effort to keep the Court apprised of their progress and their commitment to moving the case forward.

15. The parties have not previously requested to extend the fact discovery deadline and request this extension out of necessity to allow the parties sufficient time to complete document discovery and depose witnesses in light of the volume of relevant information and the scope of third-party discovery.

WHEREFORE, the parties jointly and respectfully request that the Court enter an order extending the deadline to complete fact discovery to and including December 16, 2022 and reset the remaining discovery deadlines as follows:

	Current Deadline	Proposed Deadline
Close of Fact Discovery	October 14, 2022	December 16, 2022
Plaintiff's Rule 26(a)(2) Disclosures	December 7, 2022	February 17, 2023
Defendant's Rule 26(a)(2) Disclosures	January 13, 2023	March 17, 2023
Close of Expert Discovery	March 3, 2023	May 5, 2023

Dated: September 22, 2022

Respectfully Submitted,

MARCUS HILLIARD

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